

REMARKS

Applicants have carefully reviewed the Office Action dated December 19, 2002. Applicants have amended Claims 1 - 18 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Regarding Claims 1-8, 10-17 and 19-20, rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,905,865, Palmer et al. (*Palmer*), in view of U.S. Patent No. 6,163,803, *Watanabe*, this rejection is respectfully traversed as follows.

In general, Applicants' independent Claims 1, 3, 10 and 12, as amended, recite a method (Claims 1 and 3) and a system (Claims 10 and 12) for "effecting a connection between a user node and a destination node on a first network with an audio program provided by the first network." Information transfer, in Applicants' methods and systems, occurs among various nodes over a first, i.e., a single network and does not require synchronization with other transfers. Further, the audio program has a unique header code perceivably embedded in the audio program, the unique header code being detected and utilized to obtain routing information for effecting the connection.

In contrast, *Palmer* does not disclose a system in which all data transfers or interactions between nodes occur over a single network. *Palmer* requires that address information and the associated programming be sent over separate networks or channels. The address information is transferred simultaneously with and synchronized with the transfer of the programming broadcast with which the address information is associated. The transfer of the address information takes place over a separate network or channel. The signals in *Palmer* must be synchronized because they are sent simultaneously over separate, distinct channels.

Palmer discloses embedding URLs in a broadcast, such as the vertical blanking interval of a video program, which is sent to the central office 70 (CO). This URL information is sent to inform the CO of what URL should be paged - i.e., subsequently sent to the user via a *separate* link and in synchronism with the program material being broadcast to the user. However, *Palmer* is silent about

sending a unique header code, embedded *in* an audio program, via the *same* network or link that is used to effect a connection between the user node and the destination node. Thus, *Palmer* teaches away from Applicants' claimed invention.

In another example, the functionality of an intermediate node is attributed to the central office 70 of *Palmer*. *Palmer* teaches that the CO coordinates various activities of the several components connected to it (see Figure 1 and Column 4, lines 40 - 48; and Column 5, lines 44 - 62) but there is no disclosure nor suggestion of transmitting a unique header code in a message packet *from* the computer 40, over a first network, *to* the central office 70, which message packet is then received by the central office. Again, *Palmer*'s disclosure is not sufficient, in this example, to teach the functionality of the intermediate node in Applicants' Claims 1 and 10, as amended.

To summarize, *Palmer* lacks disclosure of the following: (1) a structure comprising a single "first" network via which all of the effected connections and information transfers occur; (2) playing *at the user node* the audio program provided *via the first network* to the user node having embedded therein a unique header code; (3) detecting the unique header code *at the user node* during playing of the audio program *at the user node*; and (4) assembling the unique header code into a message packet for transmission *on the first network* to an intermediate node.

Watanabe is offered to cure the deficiencies of *Palmer*; however, *Watanabe* does not cure all of the deficiencies of *Palmer*. As pointed out by the Examiner at the bottom of page 8 of the *Detailed Action*, "the *Palmer* and *Watanabe* systems [are] so similar" that both references would be recognized "as directly relevant during a routine search" with respect to the claims before the Examiner at the time of the examination. However, in view of the foregoing amendments to Claims 1, 3, 10 and 12, both references have the same deficiency, i.e., the similarity of *Watanabe* to *Palmer* impairs its usefulness as a secondary reference. Like *Palmer*, *Watanabe* discloses a system that transfers address information over an audio or video broadcast (i.e., via one network) and utilizes the received and decoded URL to access a website over a network line (i.e., a different network) from an information processing means to the website. Thus, *Watanabe*, just as in *Palmer*, cannot fulfill the requirement that all interactions among the identified nodes occur over a single network.

Moreover, the URL, which in *Watanabe* is multiplexed or alternately switched with the audio prior to transmission (or recording), must be decoded via an A/D converter before the URL information may be used (see Fig. 5). Thus, the URL information is not *perceivably* embedded in the audio program of *Watanabe*. Even in the switched mode, *Watanabe* teaches that the switching between the URL and the audio program is performed rapidly enough so that "the audio URL signal is purposely hard to be listened to the human ears." To summarize, therefore, neither *Palmer* nor *Watanabe* teach an audio program having a unique header code perceivably embedded therein.

Further to the embedding of address codes, Applicant respectfully draws the Examiner's attention to the *Wolzien* reference (See the IDS submitted September 20, 2000), U. S. Patent No. 5,761,606, wherein *Wolzien* discloses encoding an on-line address in a broadcast signal but teaches that such address information is encoded so "as not to interfere with the program as displayed or transduced on a television or audio sound system." See the Abstract, lines 10-12. Further, in Col. 6, lines 8-25, *Wolzien* discloses the generation of an indicator signal after the encoded signal is extracted from the electronic signal. Further yet, in Col. 9 at lines 16-27, *Wolzien* discloses an embodiment in which a visual or auditory indicator is automatically displayed or sounded during portions of the program when the online information provider address is present in the underlying electronic program signal. It is apparent from each of these embodiments that *Wolzien* contemplates coded address information which is separate from yet also presented or indicated so "as not to interfere with the program as displayed or transduced on a television or audio sound system," quoting from the Abstract, lines 10-12, of *Wolzien*.

Since the combined references lack the structure necessary to practice the inventions of Applicants' Claims 1, 3, 10 and 12 as amended, Applicants respectfully request that the rejection thereof be withdrawn. Further, all of the dependent claims, numbers 2, 4-9, 11 and 13-20, depending respectively from base claims 1, 3, 10 and 12, contain all of the limitations of the respective base claims. Therefore, the arguments presented in the office action are moot in view of the amendments to the base claims, and the Applicants respectfully request the withdrawal of these rejections.

Applicants appreciate that Claims 9 and 18 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." However, in view of the

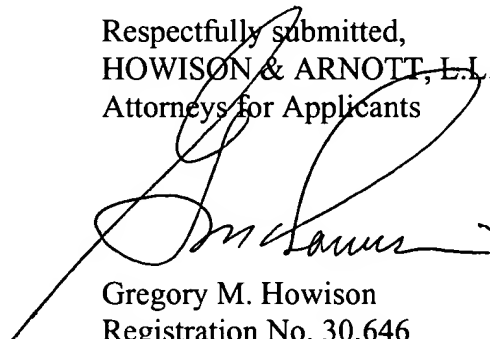
foregoing amendments to Claims 1, 3, 10 and 12 Applicants respectfully believe that such rewriting is now unnecessary.

Regarding the duplication of the references listed on the IDS submitted on September 27, 1999 in the IDS submitted on September 20, 2000, Applicants acknowledge that the references listed in the earlier IDS were included in the later filed IDS. Applicants regret, and apologize for, any inconvenience to the examining staff cause by this oversight.

Regarding the notation on page 9 of the Detailed Action that "applicant has submitted an exorbitant amount of prior art," Applicants respectfully and earnestly believe that the requirements under 37 C.F.R. Section 1.97 have been met, as previously stated.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/File No. PHL Y-24,670 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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March 19, 2003